

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOHNNY ALEXANDER : CIVIL ACTION  
vs. :  
SUPERINTENDENT BEN VARNER, et al. : NO. 01-2251

**O R D E R**

AND NOW, this 28<sup>th</sup> day of April, 2008, upon careful and independent consideration of the petition for Writ of Habeas Corpus, and after review of the Report and Recommendation of United States Magistrate Judge Linda K. Caracappa, together with a careful review of the objection to the Magistrate Judge Report and Recommendation filed by Johnny Alexander, it is hereby **ORDERED** that:

1. Plaintiff's objections to the Report and Recommendation are **DENIED**.
2. The Report and Recommendation is **APPROVED** and **ADOPTED**.
3. The petition for Writ of Habeas Corpus is **DENIED** with prejudice.
4. There is no probable cause to issue a certificate of appealability.
5. The Clerk of Court shall mark this case closed for statistical purposes.

BY THE COURT:

/s/ Robert F. Kelly  
ROBERT F. KELLY, Sr. J.